

Remarks

Claims 1-7 are pending are pending in the application; claims 8-32 are canceled.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi et al. (US Patent 6,574,208, hereinafter "Matturi") in view of Gray (US Patent 7,295,524, hereinafter "Gray").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 103(a)

Claims 1 – 2

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Gray. The rejection is traversed.

Matturi and Gray, alone or in combination, fail to teach or suggest at least the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Matturi fails to teach or suggest at least the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants’ claim 1, much less the arrangement of Applicants’ claim 1 in which an access point registration request is received at a WAN gateway from at least one wireless access point receiving a discovery message from the WAN gateway, or the specific wireless access point information of Applicants’ claim 1.

Second, Applicants submit that, even assuming *arguendo* that the cellular network teachings of Matturi could be applied in a rejection of Applicants’ claim 1 (which Applicants maintain they cannot), Matturi merely discloses that a base station controller transmits a request message to the base station. By contrast, Applicants’ claim 1 includes the feature that a gateway receives a request message from at least one wireless access point where the request message includes registration request information. Thus, Matturi still would fail to teach or suggest receiving at a WAN gateway, from at least one

wireless access point receiving a discovery message, an access point registration request including access point registration information, as claimed in Applicants' claim 1.

Third, Applicants submit that, even assuming *arguendo* that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants' claim 1 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest receiving, at a WAN gateway from at least one wireless access point receiving a discovery message, an access point registration request including access point location, IP address, MAC address, radio type, and power level information of the wireless access point, as claimed in Applicants' claim 1. Rather, Matturi merely includes a general statement indicating that identification information and hardware information is sent from the base station to the base station controller. (Matturi, Col. 7, Lines 38 – 39). Matturi is devoid of any teaching or suggestion of access point location, IP address, MAC address, radio type, or power level information of a wireless access point.

Thus, at least for these reasons, Matturi fails to teach or suggest at least the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants' claim 1.

Furthermore, Gray fails to bridge the substantial gap between Matturi and Applicants' claim 1.

Gray discloses management of wireless computer network environments using a management platform. The management includes WLAN airspace mapping, including allowing any conforming access point the ability to routinely scan its airspace, collect data on all operating frequencies, and report the information back to the management platform. The management platform also analyzes information received from the access points under management to detect and report the state of the computer network environment. (Gray, Abstract).

Gray, however, fails to teach or suggest at least the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC

address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

In the Office Action, the Examiner cites specific portions of Gray (namely, Col. 5, Lines 60 – 67 and Col. 7, Lines 30-53), asserting that these portions of Gray disclose an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants disagree.

First, Applicants submit that the first portion of Gray cited by the Examiner (namely, Col. 5, Lines 60 – 67), which discusses registration and management of access points, merely states that a network administrator registers an access point by entering or discovering information unique to the access point, where the information includes “...BSSID or Wireless MAC address, LAN MAC address, and LAN IP address.” This portion of Gray is devoid of any teaching or suggestion of an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants note that although this portion of Gray mentions various MAC and IP addresses, the cited portion of Gray clearly is devoid of any teaching or suggestion of access point location, radio type, or power level information. Thus, the first portion of Gray cited by the Examiner fails to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants’ claim 1.

Second, Applicants submit that the second portion of Gray cited by the Examiner (namely, Col. 7, Lines 30-53) merely describes configuration of groups in order to simplify administration of wireless LAN functionality, such as where users associated with a “sales” group may configure their wireless client devices to associate with access points having an SSID set to “sales.” This portion of Gray is devoid of any teaching or suggestion of an access point registration request or access point location, IP address, MAC address, radio type, and power level information of a wireless access point, much less an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants’ claim 1.

Thus, the portions of Gray cited by the Examiner fail to teach or suggest the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Furthermore, Applicants submit that, in the Office Action, the Examiner appears to acknowledge that Gray fails to teach or suggest an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of a wireless access point, because the Examiner states that Gray “inherently” teaches such an access point registration request. (See Office Action, Pg. 5).

Applicants submit that, in order for a missing element to be inherent, “extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 49USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal quotations omitted) (emphasis added).

Gray does not inherently teach an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicant’s claim 1, since the teachings of Gray do not necessarily require an access point registration request having access point location, IP address, MAC address, radio type, and power level information of a wireless access point.

Thus, the Examiner’s reference to inherency deals in probabilities and possibilities which are insufficient to establish such inherency. *Robertson*, 49 USPQ2d at 1950. As such, Gray fails to explicitly or inherently teach or suggest at least the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Thus, Gray fails to teach or suggest the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an

access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” a combination of Matturi and Gray (assuming *arguendo* that such a combination is possible) must fail to teach or suggest the limitation of “receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Thus, a combination of Matturi and Gray fails to teach or suggest Applicants’ claim 1.

As such, independent claim 1 is patentable over Matturi in view of Gray under 35 U.S.C. 103(a). Furthermore, claim 2 depends from independent claim 1, while adding additional elements. Therefore, this dependent claim also is non-obvious and is patentable over Matturi in view of Gray under 35 U.S.C. §103 for at least the same reasons discussed above in regards to independent claim 1.

As such, Applicants’ claims 1-2 are patentable over Matturi in view of Gray under 35 U.S.C. §103(a). Therefore, the rejection should be withdrawn.

Claims 3 - 7

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Gray. The rejection is traversed.

Matturi and Gray, alone or in combination, fail to teach or suggest at least the limitations of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received” and “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point toward said

selected WAN gateway,” as claimed in Applicants’ claim 3. Applicants address each of these limitations below.

1. Matturi and Gray, alone or in combination, fail to teach or suggest the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received.”

Matturi fails to teach or suggest at least the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received,” as claimed in Applicants’ claim 3.

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants’ claim 3, much less the arrangement of Applicants’ claim 3 in which a gateway discovery query message is broadcast from a wireless access point, at least one service discovery message is received from respective at least one WAN gateway, and the wireless access point selects appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants’ claim 3.

Second, Applicants submit that, even assuming *arguendo* that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants’ claim 3 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message from more than one WAN gateway is received by the wireless access point, as claimed in Applicants’ claim 3.

In the Office Action, the Examiner asserts that the base station controller and base station of Matturi teach the WAN gateway and wireless access point of Applicants’ claim 3, respectively. (See Office Action, Pg. 6).

Applicants submit that, based on the Examiner’s application of Matturi to Applicants’ claim 3, in order for Matturi to disclose this limitation of Applicants’ claim 3, Matturi would need to disclose that a base station selects an appropriate base station

controller in an instance where more than one service discovery message is received from more than one base station controller.

Matturi, however, fails to teach or suggest that a base station selects an appropriate base station controller in an instance where more than one service discovery message is received from more than one base station controller.

Rather, Matturi merely discloses that: (1) when a base station controller detects that it has been provided with identification information of a base station not yet connected to the base station, the base station controller transmits a link protocol link establishment request message, and (2) when the new base station connected to the system receives the link protocol link establishment request message, the base station transmits an acknowledgment message to the base station controller. (Matturi, Col. 7, Lines 1 – 30).

In other words, in the system of Matturi the base station only ever communicates with a single base station controller at a given time for purposes of establishing a connection with the base station controller.

Thus, the base station of Matturi will not receive multiple connection request messages from multiple base station controllers and, therefore, there is no need for the base station to select between multiple base station controllers.

Thus, since Matturi is devoid of any teaching or suggestion that a base station selects an appropriate base station controller in an instance where more than one service discovery message is received from more than one base station controller, Matturi fails to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message from more than one WAN gateway is received by the wireless access point, as claimed in Applicants' claim 3.

In the Office Action, the Examiner cites specific portions of Matturi (namely, Col. 5, Lines 9 – 17, Col. 7, Lines 21 - 48), asserting that the cited portions of Matturi disclose Applicants' limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3. Applicants respectfully disagree.

With respect to the first portion of Matturi cited by the Examiner, Applicants note that the cited portion of Matturi merely states that when a base station controller detects

that it has been provided with identification information on base stations not yet connected to the base station controller, the base station controller transmits frames used for communication with the base stations. This portion of Matturi is devoid of any teaching or suggestion of selecting an appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants' claim 3.

With respect to the second portion of Matturi cited by the Examiner, Applicants submit that, as noted hereinabove, the cited portion of Matturi merely describes a process by which a connection between a base station controller and a base station is established. As described hereinabove, in the system of Matturi the base station only ever communicates with a single base station controller for purposes of establishing a connection with the base station controller. Matturi is devoid of any teaching or suggestion of multiple BCSs with which a base station may associate. Thus, Matturi is devoid of any teaching or suggestion that a base station selects an appropriate base station controller and, therefore, fails to teach or suggest selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received, as claimed in Applicants' claim 3.

Thus, at least for these reasons, Matturi fails to teach or suggest at least the limitation of "selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received," as claimed in Applicants' claim 3.

Furthermore, Gray fails to bridge the substantial gap between Matturi and Applicants' claim 3.

Gray discloses management of wireless computer network environments using a management platform. The management includes WLAN airspace mapping, including allowing any conforming access point the ability to routinely scan its airspace, collect data on all operating frequencies, and report the information back to the management platform. The management platform also analyzes information received from the access points under management to detect and report the state of the computer network environment. (Gray, Abstract).

Gray, however, fails to teach or suggest the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received,” as claimed in Applicants’ claim 3.

Rather, with respect to registration and management of access points, Gray merely states that a network administrator registers at least one wireless access point by entering or discovering information unique to the access point. (Gray, Col. 5, Lines 62 – 64). Gray is devoid of any teaching or suggestion of any selection of a WAN gateway by a wireless access point, much less selecting, by a wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received, as recited in Applicants’ claim 3.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received,” a combination of Matturi and Gray (assuming *arguendo* that such a combination is possible) must fail to teach or suggest the limitation of “selecting, by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received,” as claimed in Applicants’ claim 3.

2. Matturi and Gray, alone or in combination, fail to teach or suggest the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway.”

Matturi fails to teach or suggest at least the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants’ claim 3.

First, Applicants submit that Matturi is directed toward establishing connections between base station controllers and base stations in a cellular wireless network. Matturi is devoid of any teaching or suggestion of a wireless area network (WAN) and, thus, fails to teach or suggest the wireless access point or WAN gateway of Applicants’ claim 3,

much less the specific wireless access point information included in the access point registration request of Applicants' claim 3.

Second, Applicants submit that, even assuming *arguendo* that the cellular network teachings of Matturi could be applied in a rejection of Applicants' claim 3 (which Applicants maintain they cannot), Matturi merely discloses that a base station controller transmits a request message to the base station. By contrast, Applicants' claim 3 includes the feature that a wireless access point sends an access point registration request to a WAN gateway, where the request message includes registration request information. Thus, Matturi still would fail to teach or suggest sending, to a selected WAN gateway, an access point registration request including access point registration information, as claimed in Applicants' claim 3.

Third, Applicants submit that, even assuming *arguendo* that the cellular wireless network teachings of Matturi could be applied in a rejection of Applicants' claim 3 (which Applicants maintain they cannot), Matturi still would fail to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicants' claim 3. Rather, Matturi merely includes a general statement indicating that identification information and hardware information is sent from the base station to the base station controller. (Matturi, Col. 7, Lines 38 – 39). Matturi is devoid of any teaching or suggestion of access point location, IP address, MAC address, radio type, or power level information of a wireless access point.

Thus, at least for these reasons, Matturi fails to teach or suggest at least the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants' claim 3.

Furthermore, Gray fails to bridge the substantial gap between Matturi and Applicants' claim 3.

Gray discloses management of wireless computer network environments using a management platform. The management includes WLAN airspace mapping, including allowing any conforming access point the ability to routinely scan its airspace, collect data on all operating frequencies, and report the information back to the management

platform. The management platform also analyzes information received from the access points under management to detect and report the state of the computer network environment. (Gray, Abstract).

Gray, however, fails to teach or suggest the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants’ claim 3.

In the Office Action, the Examiner cites specific portions of Gray (namely, Col. 5, Lines 60 – 67 and Col. 7, Lines 30-53), asserting that these portions of Gray disclose an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants disagree.

In response, Applicants submit that the first portion of Gray cited by the Examiner (namely, Col. 5, Lines 60 – 67), which discusses registration and management of access points, merely states that a network administrator registers an access point by entering or discovering information unique to the access point, where the information includes “...BSSID or Wireless MAC address, LAN MAC address, and LAN IP address.” This portion of Gray is devoid of any teaching or suggestion of an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point. Applicants note that although this portion of Gray mentions various MAC and IP addresses, the cited portion of Gray clearly is devoid of any teaching or suggestion of access point location, radio type, or power level information. Thus, the first portion of Gray cited by the Examiner fails to teach or suggest an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants’ claim 3.

Further in response, Applicants submit that the second portion of Gray cited by the Examiner (namely, Col. 7, Lines 30-53) merely describes configuration of groups in order to simplify administration of wireless LAN functionality, such as where users associated with a “sales” group may configure their wireless client devices to associate with access points having an SSID set to “sales.” This portion of Gray is devoid of any

teaching or suggestion of an access point registration request or access point location, IP address, MAC address, radio type, and power level information of a wireless access point, much less an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as recited in Applicants' claim 3.

Thus, the portions of Gray cited by the Examiner fail to teach or suggest the limitation of "sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway," as claimed in Applicants' claim 3.

Furthermore, Applicants submit that, in the Office Action, the Examiner appears to acknowledge that Gray fails to teach or suggest an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of a wireless access point, because the Examiner states that Gray "inherently" teaches such an access point registration request. (See Office Action, Pg. 6).

Applicants submit that, in order for a missing element to be inherent, "extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." In re Robertson, 49USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal quotations omitted) (emphasis added).

Gray does not inherently teach an access point registration request including access point location, IP address, MAC address, radio type, and power level information of a wireless access point, as claimed in Applicant's claim 3, since the teachings of Gray do not necessarily require an access point registration request having access point location, IP address, MAC address, radio type, and power level information of a wireless access point.

Thus, the Examiner's reference to inherency deals in probabilities and possibilities which are insufficient to establish such inherency. Robertson, 49 USPQ2d at 1950. As such, Gray fails to explicitly or inherently teach or suggest at least the limitation of "sending an access point registration request comprising access point

location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants’ claim 3.

Thus, Gray fails to teach or suggest the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants’ claim 3.

Thus, since Matturi and Gray each fail to teach or suggest the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” a combination of Matturi and Gray (assuming *arguendo* that such a combination is possible) must fail to teach or suggest the limitation of “sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway,” as claimed in Applicants’ claim 3.

3. Conclusion

Thus, a combination of Matturi and Gray fails to teach or suggest Applicants’ claim 3.

As such, independent claim 3 is patentable over Matturi in view of Gray under 35 U.S.C. 103(a). Furthermore, claims 4-7 depend, directly or indirectly, from independent claim 3, while adding additional elements. Therefore, these dependent claims also are non-obvious and are patentable over Matturi in view of Gray under 35 U.S.C. §103 for at least the same reasons discussed above in regards to independent claim 3.

As such, Applicants’ claims 3-7 are patentable over Matturi in view of Gray under 35 U.S.C. §103(a). Therefore, the rejection should be withdrawn.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at 732-842-8110 x120 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 3/19/10



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

WALL & TONG, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702
Telephone: 732-842-8110
Facsimile: 732-842-8388